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Baltimore , Maryland

IN RE: PETITION FOR ZONING VARIANCE • BEFORE THE
E/S East Avenue, 140 ft. S • ZONING COMMISSIONER
of c/1 Sparrows Pt. Blvd. • OF BALTIMORE COUNTY
2513 East Avenue •
15th Election District •
7th Councilmanic District •
Donald P. Krug, et ux • Case No. 94-80-A
Petitioners •

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property located at 2513 East Avenue in the Lodge Forest Subdivision of Baltimore County. The Petitioners/property owners, Donald P. Krug and Dawn M. Krug, his wife, seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (pool with attached deck) within 0 ft. of a side yard property line in lieu of the required 2-1/2 ft.

Appearing at the public hearing held for this case was Donald P. Krug, the Petitioner. There were no Protestants or other interested persons present.

Mr. Krug submitted a site plan marked as Petitioner's Exhibit No. 1 and several photographs of the property. These show that the subject lot is .172 acres in area and is zoned O.R.5.5. This is a residential lot not far from North Point Road and Sparrows Point Boulevard in eastern Baltimore County. The property is served by public sewer and water.

The property is presently improved by an existing dwelling, driveway and carport. In the rear of the property, the Petitioner has constructed an 18 ft. diameter circular in-ground swimming pool. The pool is fenced and is also surrounded by a deck. Mr. Krug testified that he partially constructed the pool and deck without a permit. He did not believe that

name was necessary for such an improvement. Subsequently, however, he came to realize that a permit was necessary and discovered that a variance was needed when application for a permit was made. Specifically, the deck and fence about the side property line and the 2-1/2 ft. required setback is not maintained.

Mr. Krug testified that the variance relief is necessary due to the site constraints imposed by this property. As the photographs show, the property slopes significantly towards the rear. Moreover, there is a 5 ft. existing utility easement along the rear property line. Based on these reasons, Mr. Krug maintained that the topography of the lot justifies placement of the pool and deck where situated. He also produced a letter from the adjoining neighbors most affected by the variance request. These neighbors, Stephen and Patricia Gunther, have no objection to the location of the deck and pool.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

This property lies within close proximity to the Chesapeake Bay and is, therefore, subject to the Chesapeake Bay Critical Area legislation found within Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has

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submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Area requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of October, 1993 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (pool with attached deck) within 0 ft. of a side yard property line in lieu of the required 2-1/2 ft., be and is hereby GRANTED, subject, however, to the following restrictions which is a condition precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk

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until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners shall comply with all requirements of the Department of Environmental Protection and Resource Management set forth in their elements dated September 14, 1993, attached hereto and made a part thereof.

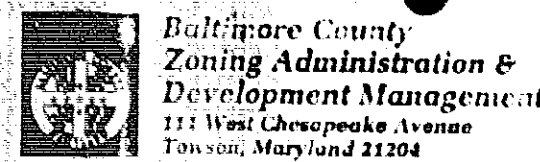
James E. Schmidt
Zoning Commissioner
for Baltimore County

LES:mmm

ORDER RECEIVED FOR FILING
Date 11/19/93
By [Signature]

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th Date of Posting: 8/12/93
Posted for: Krug, et ux
Petitioner: Donald P. Krug
Location of property: 2513 East Ave., 15th, 7th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22nd, 23rd, 24th, 25th, 26th, 27th, 28th, 29th, 30th, 31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st, 42nd, 43rd, 44th, 45th, 46th, 47th, 48th, 49th, 50th, 51st, 52nd, 53rd, 54th, 55th, 56th, 57th, 58th, 59th, 60th, 61st, 62nd, 63rd, 64th, 65th, 66th, 67th, 68th, 69th, 70th, 71st, 72nd, 73rd, 74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd, 84th, 85th, 86th, 87th, 88th, 89th, 90th, 91st, 92nd, 93rd, 94th, 95th, 96th, 97th, 98th, 99th, 100th, 101st, 102nd, 103rd, 104th, 105th, 106th, 107th, 108th, 109th, 110th, 111th, 112th, 113th, 114th, 115th, 116th, 117th, 118th, 119th, 120th, 121st, 122nd, 123rd, 124th, 125th, 126th, 127th, 128th, 129th, 130th, 131st, 132nd, 133rd, 134th, 135th, 136th, 137th, 138th, 139th, 140th, 141st, 142nd, 143rd, 144th, 145th, 146th, 147th, 148th, 149th, 150th, 151st, 152nd, 153rd, 154th, 155th, 156th, 157th, 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Date 8/10/93

KRLG - 2513 EAST AVE.

#101 - Variance ---- \$50.00

#080 - Sign ---- \$35.00

85.00

024028067MICHRC
PA C009115A08-19-93

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: #78

Petitioner: DONALD KRUG

Location: 2513 EAST AVE

PLEASE FORWARD ADVERTISING BILL TO:

NAME: DONALD KRUG

ADDRESS: 2513 EAST AVE

Edgewater, MD 21219

PHONE NUMBER: 477-5514

AJ:ggg

(Revised 04/09/93)

TO: PULPITARY PUBLISHING COMPANY
September 2, 1993 Issue - Jeffersonian

Please forward billing to:

Donald Krug
2513 East Avenue
Edgewater, Maryland 21219
410-477-5514

COPY

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

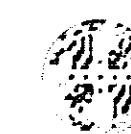
CASE NUMBER: 94-80-A (Item 78)
2513 East Avenue
K/S East Avenue, 180' S of c/j Sparrow Point Boulevard
15th Election District - 7th Councilmanic
Petitioner(s): Donald P. Krug and Dawn M. Krug
HEARING: MONDAY, OCTOBER 6, 1993 at 9:00 a.m. in Rm. 118, Old Courthouse.

Variance to allow an accessory structure (pool with attached deck) within zero feet of a side yard in lieu of the required 2-1/2 feet.

LAMARQUE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILING AND/OR HEARING, CONTACT THIS OFFICE AT 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

August 27, 1993

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-80-A (Item 78)
2513 East Avenue
K/S East Avenue, 180' S of c/j Sparrow Point Boulevard
15th Election District - 7th Councilmanic
Petitioner(s): Donald P. Krug and Dawn M. Krug
HEARING: MONDAY, OCTOBER 6, 1993 at 9:00 a.m. in Rm. 118, Old Courthouse.

Variance to allow an accessory structure (pool with attached deck) within zero feet of a side yard in lieu of the required 2-1/2 feet.

Arnold Jablon
Arnold Jablon
Director

cc: Donald and Dawn Krug

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111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

September 27, 1993

Mr. and Mrs. Donald P. Krug
2513 East Avenue
Edgewater, Maryland 21219

RE: Case No. 94-80-A, Item No. 78
Petitioner: Donald P. Krug, et ux
Petition for Variance

Dear Mr. and Mrs. Krug:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on August 19, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Re: Baltimore County
Item No. 478 (JLF)

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-7350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is _____
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 555-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21202-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: August 30, 1993

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 62, 71, 72, 73, 74, 76, 77, 78, 81, 82, 84, 86, 87 and 88.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-1480.

Prepared by: *Jeffrey W. Long*

Division Chief: *Pat Keller*

PK/JL:lw

ZAC: 62/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold E. Jablon, Director
Office of Zoning Administration
and Development Management

DATE: September 14, 1993

FROM: J. James Dieter

SUBJECT: Petition for Zoning Variance - Item 78
Krug Property
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 2513 East Avenue. The site is within the Chesapeake Bay Critical Area and is classified as a limited Development Area (LDA).

APPLICANT'S NAME Mr. and Mrs. Donald P. Krug

APPLICANT PROPOSAL

The applicant has requested a variance from section 400.1 of the Baltimore County Zoning Regulations to permit "an accessory structure (pool with an attached deck) within 0 feet of a side yard in lieu of the required 2 1/2 feet".

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts" -COMAR 14.15.10.01.01.

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Section 26-449(a)>.

Finding: This proposed deck is located more than 100 feet from the tidal waters of North East Creek. Therefore, no disturbance of the 100 foot buffer shall occur.

2. Regulation: Dredging, filling, or construction other than approved bulkheading shall not be permitted in any non-tidal and tidal wetlands unless the proposed development consists of utility, bridge, or street development in a non-tidal wetland and unless the Director of Environmental Protection and Resource Management finds this proposed development not detrimental to the County's Wetland Management Programs" (Baltimore County Code, Section 26-447).

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site. Therefore, no dredging, filling, or construction shall occur in any tidal or non-tidal wetland for this project, and this regulation has been met.

- 3.a. Regulation: "If a parcel or lot one-half acre or less in size was in residential use or zoned for residential purposes on or before December 1, 1985, then man-made impervious surfaces associated with that use are limited to 25% of the parcel or lot" (Baltimore Count Code, Section 26-543(e)(1)).

- 3.b. Policy: "If permitted development on a property currently exceeds the 15% impervious surface limit, that percentage may be maintained during redevelopment of the property" (Baltimore County Department of Environmental Protection and Resource Management Policy Manual).

Findings: The existing impervious area on the site exceeds 25% therefore no additional impervious area shall be allowed in the future. Since the proposed deck will be pervious, it will not increase the impervious area.

4. Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland cover of at least 15%" <COMAR 14.15.02.04 C.(5)(e)>.

Mr. Arnold E. Jablon
September 14, 1993
Page 3

Finding: The following plant material shall be selected from the enclosed list and planted in addition to existing vegetation to provide a 15% forested cover.

Shrub and small tree list: 4 items - ball and burlap or
2 gallon container size

Tree list: 1 item - ball and burlap
1 - 1.5 inch caliper

(Note: Existing trees and/or shrubs will be counted as credit, 1 for 1, against this requirement.)

Trees are an important factor in improving water quality. The roots of trees greatly improve the infiltration rate of storm water and efficiently remove nitrogen from subsurface flows of groundwater. Trees also act as both a barrier and a sponge, blocking and absorbing eroding soils and the phosphorous associated with them.

5. Regulation: "Infiltration of stormwater shall be maximized throughout the site, rather than directing flow to single discharge points" (Baltimore County Code, Section 26-453(h)(2)).

Finding: Stormwater runoff shall be directed from impervious surfaces associated with this plan, to pervious areas, to encourage maximum infiltration.

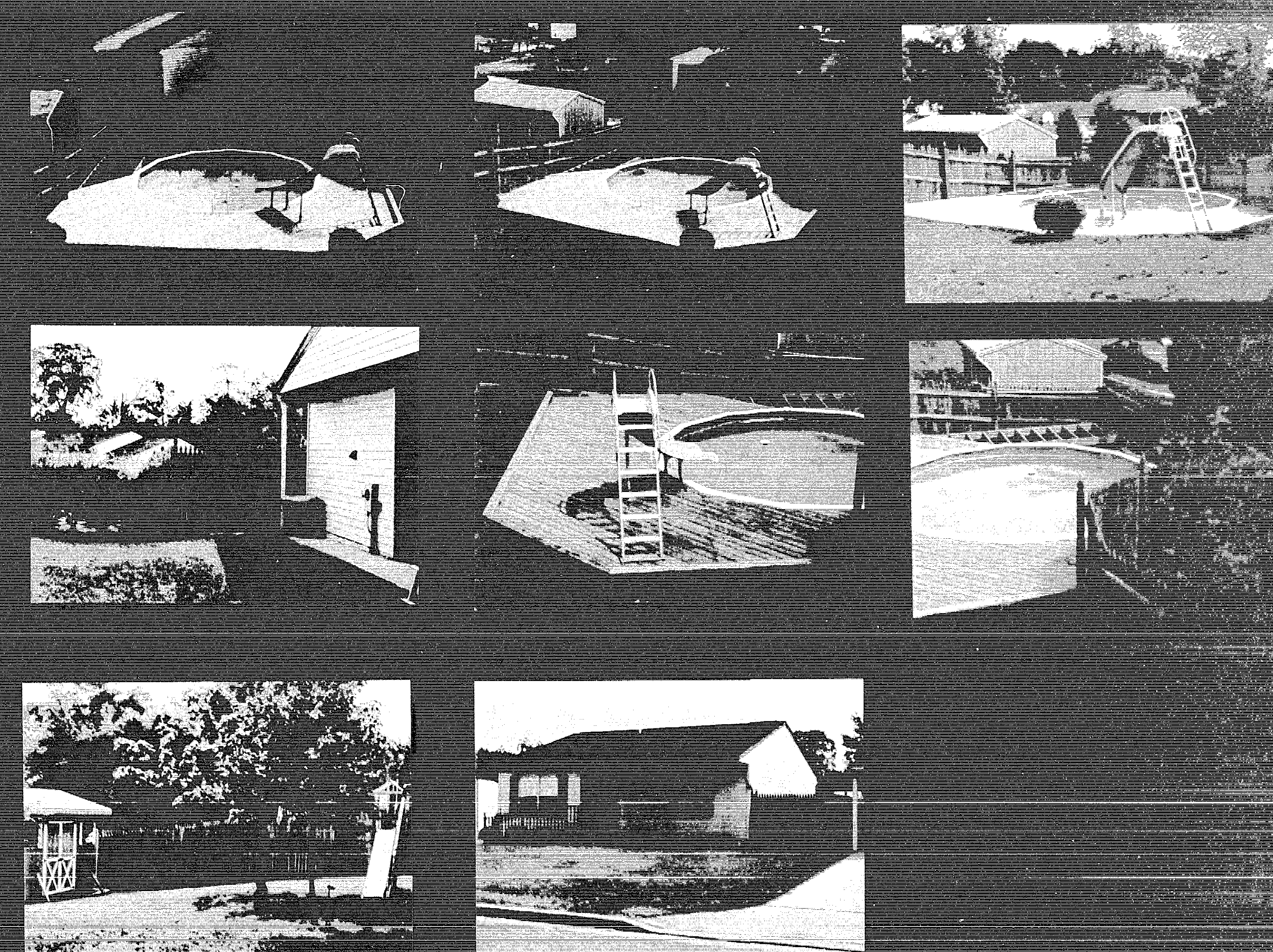
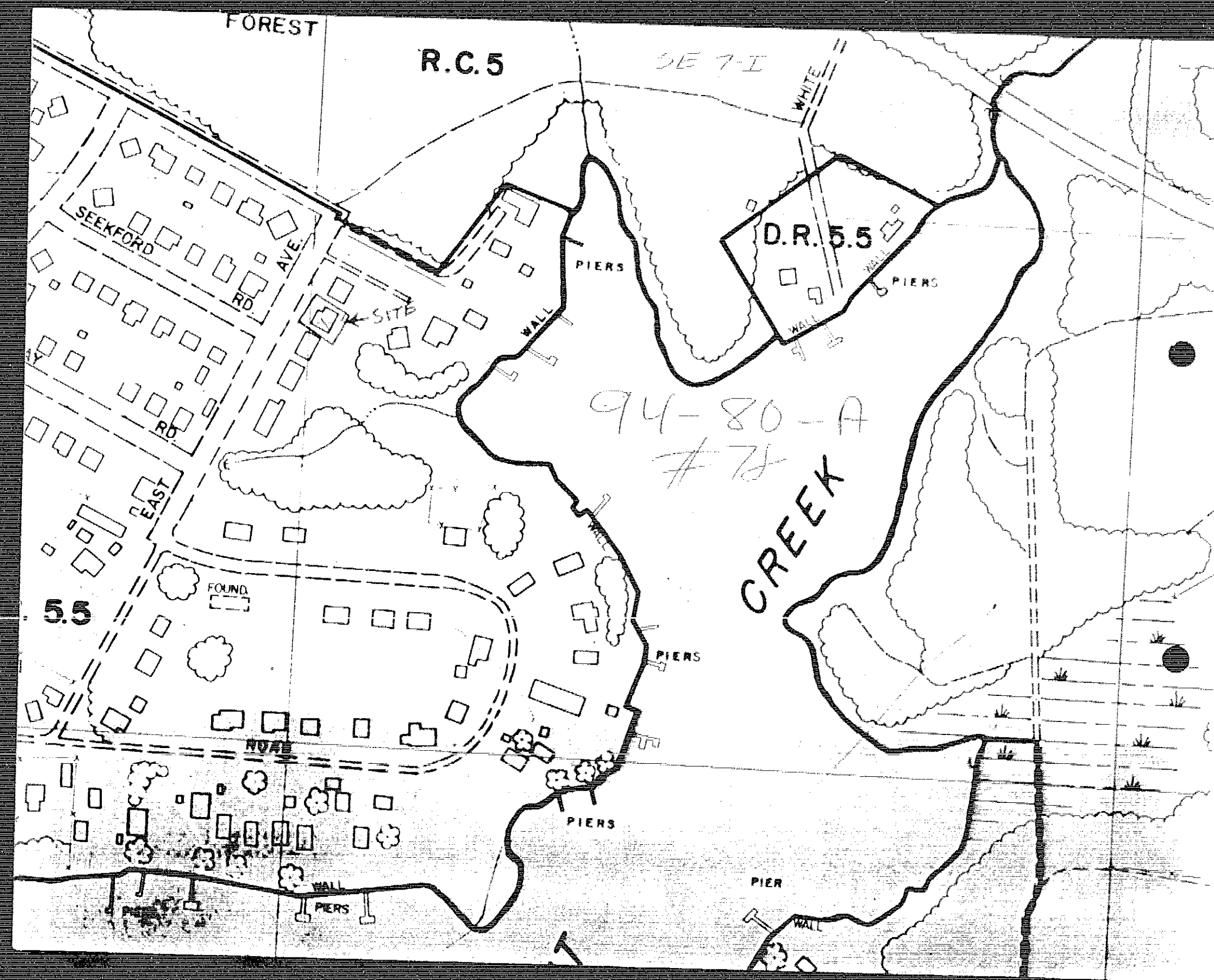
CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations and is therefore approved. If there are any questions, please contact Ms. Patricia M. Farr at 887-3980.

J. James Dieter, Director
Department of Environmental Protection
and Resource Management

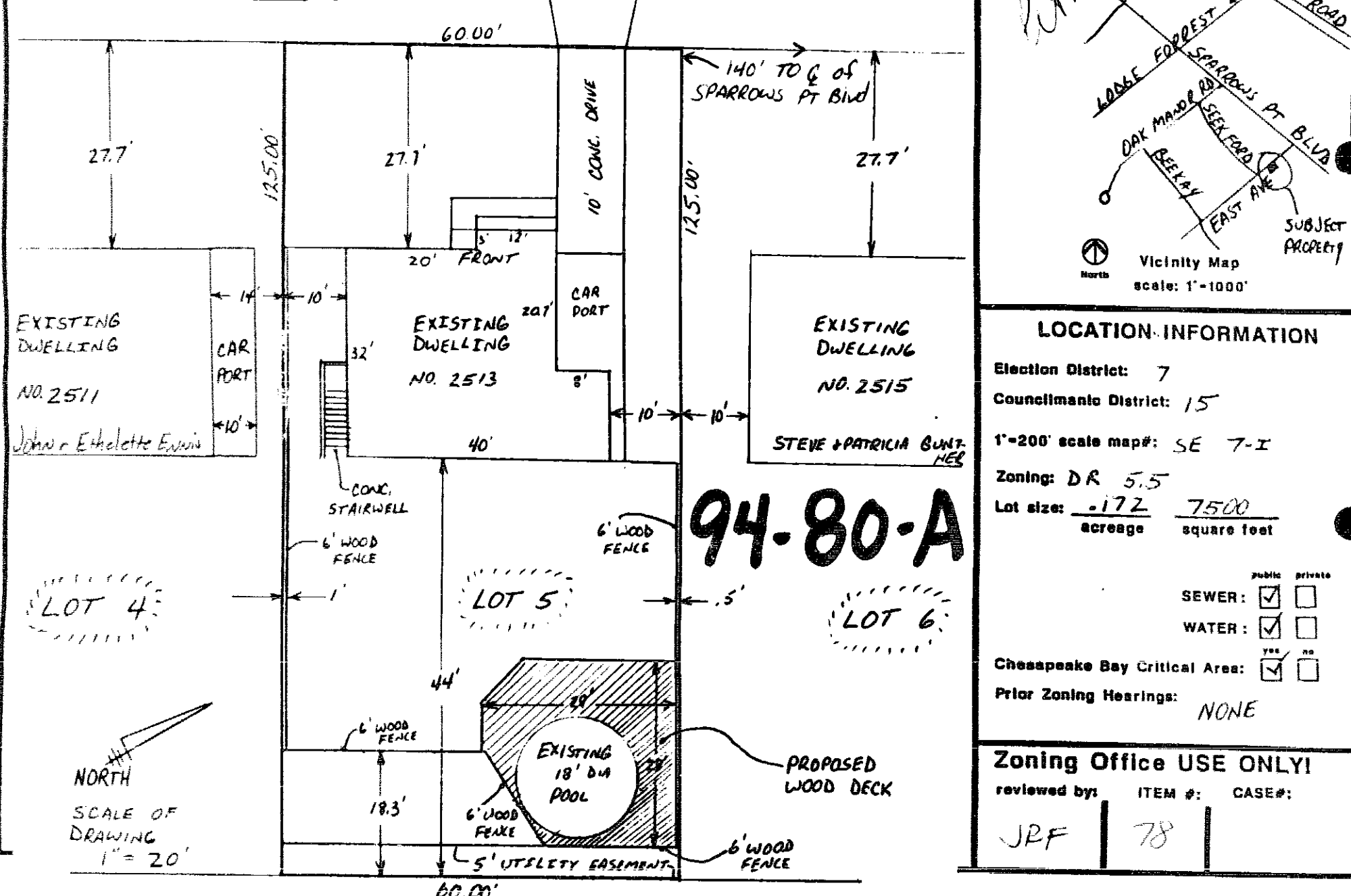
JJD:ERG:trm

KRUG/DEPRM/WOCBCA

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 2513 EAST AVENUE
Subdivision name: LODGE FOREST EAST AVENUE
see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: LODGE FOREST EAST AVENUE
 plat book # 46, folio # 147, lot # 5, section # _____
 OWNER: DONALD & DAWN KOPK 25' MAC PAVING CONC CURB 40' R/W



October 6, 1993

To Whom It May Concern:

We, Steven and Patricia Gunther of 2515 East Ave., Baltimore, MD 21219, are aware of and have no objection to Donald and Dawn Krug's plans for a deck, which surrounds the pool. The proposed deck will have a 0' (Zero Feet) set back from our shared property line.

Steven D. Gunther
Steven Gunther

Patricia Gunther
Patricia Gunther

*We may be reached at 477-0094 for any further information.